

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA

IN RE: : Case No. 10-05831-als7
: :
KEVIN R. HARLAND, : :
: :
Debtor. : :

TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTIONS

COMES NOW the Trustee, Dallas J. Janssen, and for this Objection To Claim Of Exemptions, states as follows:

1. On December 6, 2010, the Debtor herein filed a voluntary Chapter 7 bankruptcy proceeding, and Dallas J. Janssen was appointed and qualified as the Trustee.
2. The Debtor listed on Schedule B – Personal Property, the following asset:

Description of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property
Community First Credit Union Checking/Savings	-	\$175.00
Accrued Wages	-	\$1,500.00

3. The Debtor claimed the following asset as exempt on Schedule C – Property Claimed as Exempt, under the provisions of "Wages or Social Security Benefits held in bank accounts and received within 90 days of filing, Miehe (438 NW2d 837)", listing the value of claimed exemption as follows:

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Without Deducting Exemption Property
Community First Credit Union Checking/Savings	Wages or Social Security Benefits held in bank accounts and received within 90 days of filing, Miehe (438 NW2d 837)	\$175.00	\$175.00

Accrued Wages	Wages or Social Security Benefits held in bank accounts and received within 90 days of filing, Miehe (438 NW2d 837)	\$1,500.00	\$1,500.00
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The Trustee objects to the claim of exemption for the assets listed above in the amount of \$1,675.00 for the following reasons:

1. Miehe (438 NW2d 837) refers to Iowa Code §642.21 and the limitations set forth therein; and
2. Debtor has not provided substantial evidence showing that the funds in the bank account could be traced back to "the deposits from wages received within a ninety-day period preceding" the bankruptcy as stated in Miehe (438 NW2d 837).

Accordingly, Debtor's claim of exemption of \$1,675.00 for the assets listed above, under the provisions of "Wages or Social Security Benefits held in bank accounts and received within 90 days of filing, Miehe (438 NW2d 837)", should not be allowed for the reasons set out above. Further, the Trustee believes the Debtor should be limited to 75% of the funds in the bank account if they can be traced back to deposits from wages received within a ninety-day period preceding the bankruptcy and limited to 75% of accrued wages.

Respectfully submitted,

/s/ Dallas J. Janssen

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CERTIFICATE OF SERVICE

This document was served electronically on all parties who receive electronic notice through CM/ECF as listed on CM/ECF's notice of electronic filing and by first class mail on the following, and including all interested parties who will not be electronically mailed notice as listed on CM/ECF's notice of electronic filing:

Kevin R. Harland
402 N. Pocahontas
Ottumwa, IA 52501

/s/ Jeffrey M. Janssen